

ASSEMBLY BILL

No. 731

Introduced by Assembly Member Jeffries

February 17, 2011

An act to amend Section 8589.19 of, and to add Section 8589.24 to, the Government Code, relating to firefighting, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

AB 731, as introduced, Jeffries. Firefighting.

The State Assistance for Fire Equipment Act authorizes the Secretary of California Emergency Management to acquire specified firefighting apparatus and equipment for resale to a local agency, as defined, that provides fire suppression services or a fire company. Existing law also establishes the State Assistance for Fire Equipment Account, a continuously appropriated fund, for purposes of the act. Existing law requires the secretary to consult with a specified committee before adopting regulations implementing the act.

This bill would annually appropriate \$1,030,000 of revenue currently received by the state from specified tax and fee revenue sources for firefighting and emergency response purposes, including, but not limited to, the purchase of firefighting and rescue vehicles and equipment. The bill would also require the secretary to consult with additional specified individuals involved in firefighting before adopting certain regulations.

Vote: $\frac{2}{3}$. Appropriation: yes. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

SECTION 1. This act shall be known as the California Emergency Fire and Rescue Apparatus Funding Act of 2011.

SEC. 2. (a) The Legislature finds and declares that California's emergency fire service personnel and equipment are routinely called upon to mitigate the effects of terrorist acts, fires, floods, earthquakes, and other mass casualty rescues and fires, including, but not limited to, significant regional emergencies directly related to train derailments, commercial and passenger aircraft accidents, oil pipeline and hazardous waste spills and fires, landfill and electrical wildland infrastructure fires, mass casualty accidents on state highways, and urban interface fires as evidenced by the destruction caused by, but not limited to, the 1989 Loma Prieta and the 1994 Northridge earthquakes, the 1989 San Bernardino Duffy Street train derailment disaster, the 1978 San Diego and the 1986 Cerritos midair collisions, the 2005 La Conchita landslide, the 1991 Oakland hills firestorm, the wildland firestorms in 2003, 2007, and 2008, and the environmental damage caused by the 1996 Panoche and the 1998 Tracy used tire stockpile fires.

(b) The Legislature finds and declares that, given the increase in the state population and the intensity and frequency of disasters within the state, it is evident that assistance is needed to enable the state to purchase additional firefighting and emergency equipment and apparatus for state and local emergency response and further build the ability to mitigate the effects of all forms of disasters.

SEC. 3. Section 8589.19 of the Government Code is amended to read:

8589.19. (a) After consultation with the California Emergency Management Agency Fire Advisory Committee, the *chairperson of the Blue Ribbon Fire Commission, the Director of Forestry and Fire Protection, the State Fire Marshal, and the chairperson of the State Board of Fire Services*, the secretary shall adopt rules and regulations governing the operation of the programs created by this article pursuant to the Administrative Procedure Act, Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3.

(b) The rules and regulations adopted pursuant to subdivision (a) shall include, but not be limited to, all of the following:

1 (1) The specific types of firefighting apparatus and equipment
2 which may be acquired, rehabilitated, and resold.

3 (2) The amount and terms of resale contracts.

4 (3) The time, format, and manner in which local agencies may
5 apply for resale contracts.

6 (4) Priorities for assisting local agencies which shall give
7 preference to local agencies which meet all of the following:

8 (A) Demonstrated need for primary response firefighting
9 apparatus and equipment.

10 (B) Will be adequately able to operate and maintain the
11 firefighting apparatus and equipment.

12 (C) Have already used other means of financing the firefighting
13 apparatus and equipment.

14 SEC. 4. Section 8589.24 is added to the Government Code, to
15 read:

16 8589.24. (a) The State Board of Equalization shall annually
17 collect and process one million thirty thousand dollars (\$1,030,000)
18 from the following sources in the following amounts:

19 (1) Sixty thousand dollars (\$60,000) from the Private Railroad
20 Car Tax (Part 6 (commencing with Section 11201) of Division 2
21 of the Revenue and Taxation Code).

22 (2) One hundred eighty thousand dollars (\$180,000) from the
23 funds received pursuant to the Cigarette and Tobacco Products
24 Tax Law (Part 13 (commencing with Section 30001) of Division
25 2 of the Revenue and Taxation Code).

26 (3) One hundred thousand dollars (\$100,000) from funds
27 received pursuant to the Energy Resources Surcharge Law (Part
28 19 (commencing with Section 40001) of Division 2 of the Revenue
29 and Taxation Code).

30 (4) One hundred fifty thousand dollars (\$150,000) from the
31 Alcoholic Beverage Tax (Part 14 (commencing with Section
32 32001) of Division 2 of the Revenue and Taxation Code).

33 (5) One hundred fifty thousand dollars (\$150,000) from funds
34 received pursuant to the Insurance Taxation Law (Part 7
35 (commencing with Section 12001) of Division 2 of the Revenue
36 and Taxation Code).

37 (6) Seventy-five thousand dollars (\$75,000) received pursuant
38 to the Motor Vehicle Fuel Tax Law (Part 2 (commencing with
39 Section 7301) of Division 2 of the Revenue and Taxation Code).

(7) Fifteen thousand dollars (\$15,000) from the Aircraft Jet Fuel Tax (Chapter 2.5 (commencing with Section 7385) of Part 2 of Division 2 of the Revenue and Taxation Code).

(8) Twenty-five thousand dollars (\$25,000) from the Oil Spill Response Trust Fund (Article 7 (commencing with Section 8670.46) of Chapter 7.4 of Division 1 of Title 2 of the Government Code).

(9) Seventy-five thousand dollars (\$75,000) received pursuant to the Hazardous Substances Tax Law (Part 22 (commencing with Section 43001) of Division 2 of the Revenue and Taxation Code).

(10) Twenty-five thousand dollars (\$25,000) from the California tire fee pursuant to Section 42885 of the Public Resources Code.

The funds shall be expended as follows:

(b) One million dollars (\$1,000,000) shall be deposited annually into the State Assistance for Fire Equipment Account for the purposes of the State Assistance for Fire Equipment Act. In addition to firefighting apparatus and equipment, as defined in subdivision (c) of Section 8589.10, the secretary may use funds appropriated under this section to purchase any fire engine, as defined as a Type 1, 2, 3, or 4 fire engine, Type 1 or 2 water tender, heavy rescue vehicle, combination lighting and air support vehicle or squad with a rated gross vehicle weight of one ton or greater that is not primarily designed and utilized to transport patients, Type 1 mobile communication center vehicle, Urban Search and Rescue equipment and apparatus, and rescue equipment for the purposes of extricating or rescuing entrapped persons from mass casualty emergency incidents. The secretary shall provide up to two hundred fifty thousand dollars (\$250,000) annually for the purpose of funding CAL-FIRE fire apparatus. The secretary shall use funds appropriated pursuant to this paragraph only for the purchase of new equipment and apparatus.

(c) Thirty thousand dollars (\$30,000) is hereby annually appropriated to the Office of the State Fire Marshal, State Fire Training, for the purposes of providing training courses and materials related to the types of emergencies and fires associated with the products or industries from which the fees or taxes are herein collected.

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